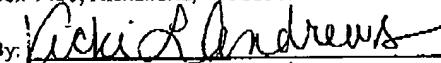


## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:	Group Art Unit: 1642	
Applicants: Subhra Chakrabarti, et al.	Confirmation No.: 8318	
Serial No.: 10/662,044	Examiner: Catherine Joyce	
Filed: September 11, 2003	<u>Certificate of Electronic Filing</u>	
Title: ANTIBODIES THAT RECOGNIZE HYPERPROLIFERATIVE CELLS AND METHODS OF MAKING AND USING SAME	I hereby certify that the attached Response and all marked attachments are being deposited by Electronic Filing on September 1, 2006 by using the EFS - Web patent filing system and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Docket No.: 31302-702.201	By:  Vicki L. Andrews	

DECLARATION REGARDING AVAILABILITY OF BIOLOGICAL CULTURE  
DEPOSIT

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir/Madam:

I, Mark Glassy, do hereby declare as follows:

1. I am the inventor of the above-cited patent application.
2. I have deposited with the American Type Culture Collection (ATCC) the following cell lines as referenced in the specification of the above-referenced application:

ATCC Deposit No. PTA-5411, and

ATCC Deposit No. PTA-5412,

in order to satisfy the requirements of 37 C.F.R. 1.801 *et seq.*

3. The date of the above deposit was August 22, 2003, and a copy of the ATCC Deposit receipt showing that the cells were viable as of September 4, 2003 is attached.

Application No. 10/662,044  
Attorney Docket: 31302-702.201

4. The name and address of the depository is:

American Type Culture Collection  
10801 University Blvd.  
Manassas, VA 20110-2209  
Telephone: (703) 365-2700  
Fax: (703) 365-2701

The ATCC is a recognized IDA under 37 C.F.R. 1.803.

5. With respect to the permanence of the cell line deposit:

(a) the depository, the ATCC, is an official depository in accordance with the Budapest Treaty for the above deposited cultures;

(b) as noted in the attached receipt, the depository affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longest.

6. I affirm that should the cell lines mutate, become nonviable or be inadvertently destroyed, I will replace such cell lines for at least 30 years from the date of the original deposit; or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, plus six (6) years to cover the statute of limitations, whichever period is longer.

7. With respect to availability of the cell lines I affirm that the deposit has been made under conditions of assurance:

(a) access to the cell lines will be available during the pendency of the patent application making reference to the cell lines to one determined by the Commissioner to be entitled thereto under 37 C.F.R. §1.14 and 35 U.S.C. §122, and

(b) subject to paragraph (b) of 37 C.F.R. §1.808, all restrictions imposed on the availability to the public of the cell lines will be irrevocably removed upon the granting of a patent.

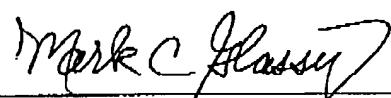
8. I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

Application No. 10/662,044  
Attorney Docket: 31302-702.201

made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: September 1, 2006



Mark C. Glassy, Ph.D.